



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michel Pairet *et al.*

Examiner: Humera Sheikh

Serial No.: 10/007,182

Group Art Unit: 1615

Filed: October 19, 2001

Docket: 1/1244

For: PHARMACEUTICAL COMPOSITIONS CONTAINING TIOTROPIUM SALTS AND ANTIHISTAMINES AND THEIR USE

Assistant Commissioner for Patents
Washington DC 20231

TECH CENTER 1600/2900

DEC 27 2002

RECEIVED

REPLY TO RESTRICTION REQUIREMENT

Sir:

This Reply is filed in answer to the Office Action dated November 29, 2002. In that Office Action, a one month shortened statutory period was set for response and this Reply is therefore timely. If it is determined, however, that any fees under 37 C.F.R. §§ 1.16 or 1.17 are due in connection with this Reply, authorization is hereby given to charge such fees to Deposit Account No. 02-2955. In addition, applicants also request that any subsequently filed reply requiring a petition for an extension of time for its timely submission be treated as if it incorporated such petition for an extension of time pursuant to the provisions of 37 C.F.R. § 1.136(a)(3) and hereby authorize that any fees due in connection therewith be charged to Deposit Account No. 02-2955.

In the Office Action dated November 29, 2002, the Examiner imposed a restriction requirement in the instant application. The Examiner alleged that the claims of the instant application include two independent and distinct inventions, which the Examiner divided into Groups I to IV.

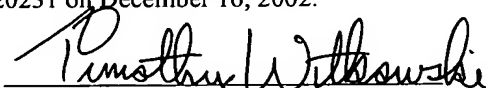
In response to that restriction requirement, applicants hereby elect with traverse to prosecute in this application the subject matter of Group I, claims 1 to 51 and 54 to 56 and elect powder (inhalable) as the form for examination purposes. Applicants reserve the right to prosecute in one or more divisional applications whatever subject matter is not examined or allowed here.

Applicants traverse based on the fact that it would not be a burden on the Examiner to search all the Groups, as they are related. For example, if Group I is allowable over the prior art,

Group II and III are allowable over the prior art. Accordingly, mere difference in classification between the Groups is not determinative of proper restriction. Furthermore, art that is relevant to Group I will likely be relevant to Group IV. Accordingly, the restriction requirement should be withdrawn in its entirety, or Groups II and III at the very least should be rejoined with Group I.

Applicants respectfully submit that all the pending claims are allowable and therefore solicit a Notice of Allowance for all of the pending claims. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

Certificate of Mailing Under 37 C.F.R. § 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on December 16, 2002.

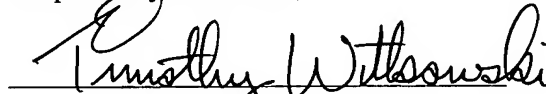


Timothy X. Witkowski
Registration No. 40,232

12-16-2002

Dated

Respectfully submitted,



Timothy X. Witkowski
Registration No. 40,232
Attorney for Applicants

BOEHRINGER INGELHEIM CORPORATION
Patent Department
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT 06877
Telephone: (203) 798-4310
Facsimile: (203) 798-4408